

BY ECF

January 30, 201

**Honorable Lewis A. Kaplan, U.S.D.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007**

**Re: *Kanongataa v. ABC/Yahoo, Kanongataa v. NBCUniversal, Kanongataa v. COED*
*Docket No. 1:16-cv-7382, -7383, -7472(LAK)***

Dear Judge Kaplan,

We represent the Plaintiff Kali Kanongataa in the three related cases referenced above. We write to respectfully ask permission to file a sur-reply on a pending motion in all three cases. The Defendants have filed a pre-answer motion to dismiss based on alleged fair use. They seek a drastic relief based on a fact-sensitive inquiry without much a record to draw upon. In their respective replies, the Plaintiff's position is mischaracterized, misconstrued and the Defendants rely on caselaw not previously found in their motion papers. The Plaintiff deserves the opportunity to respond to these replies. We respectfully request the Court's leave to file a sur-reply to adequately and fully brief the motion. We appreciate Your Honor's attention and consideration.

Dated: January 30, 2017

Respectfully Submitted,

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